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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,192	10/18/2004	Clarence P. Lipke	209546-084271	3721

7590 06/05/2006

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EXAMINER

PATEL, KIRAN B

ART UNIT PAPER NUMBER

3612

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/505,192	Applicant(s) LIPKE ET AL.	
	Examiner Kiran B. Patel	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-12, 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Final Rejection (5/31/06)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 7, 10, 12, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (6,007,898).

Regarding Claim(s) 7, 10, 12, 17, Kim et al. (6,007,898) discloses the invention as claimed to include a headliner (col 6, line 21) positioned in the interior of the vehicle, said headliner including, a compressed substrate 1 including a first compressed surface Fig 1 positioned distally from the vehicle interior, and a second compressed surface Fig 1 positioned proximate to the vehicle interior, said second surface arranged substantially parallel to said first surface to form a thickness, said first surface having a plurality of impressions Fig 1 formed therein along a plane of said first surface so as to create a corresponding number of projections 3 extending outwardly from said second surface extending towards the interior of the vehicle, and a layer of material (col 1, lines 15-20) attached to said projections of said substrate;

wherein said impressions and corresponding projections are arranged in a substantially linear pattern of at least three rows with said projections on a first row offset from said projections on a second row Fig 1;

wherein said plurality of impressions and corresponding projections form a two-dimensional array Fig 1;

wherein the headliner further comprises a trim stock (col 1, lines 15-20) directly bonded to the first compressed surface of the compressed substrate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 8-9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (6,007,898) and further in view of Kelman et al. (5,660,908).

Regarding claims 8-9, 11, Kim et al. (6,007,898) discloses the invention as claimed.

However, Kim et al. (6,007,898) does not disclose a substrate and said layer of material are comprised of polyethylene terephthalate (PET) material; substrate and said layer of material are comprised of 100% recyclable material; and further comprising a face fabric attached to said layer of material.

Kelman et al. (5,660,908) discloses a substrate and said layer of material are comprised of polyethylene terephthalate (PET) material (abstract); substrate and

said layer of material are comprised of 100% recyclable material (abstract); and further comprising a face fabric 26 attached to said layer of material.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Kim et al. (6,007,898), to include a substrate and said layer of material are comprised of polyethylene terephthalate (PET) material; substrate and said layer of material are comprised of 100% recyclable material; and further comprising a face fabric attached to said layer of material, as disclosed by Kelman et al. (5,660,908), to cost effectively manufacture headliner with recyclable materials with a pleasant looks.

Response to Arguments

2. Applicant's arguments with respect to elected claim have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Kiran B. Patel, P.E.
Primary Examiner
Art Unit 3612
May 31, 2006